IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 12674 of 2007(S)

PETITIONER:

BIJU M,S/O.K.BHASKARAN,SREE PADMAM,
KATTAMPALLY POST,KANNUR DISTRICT.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. UNION OF INDIA,REPRESENTED BY ITS PRINCIPAL SECRETARY,MINISTRY OF ENVIRONMENT AND FORESTS,PARYAVARAN BHAVAN,NEW DELHI.

2. THE NATIONAL HIGH WAY AUTHORITY OF INDIA,REPRESENTED BY ITS CHAIRMAN,G.S& 6 SECTOR DWARAKA, NEW DELHI.

ASST.S.G. SRI.P.PARAMESWARAN NAIR
STANDING COUNSEL FOR NH 41 SRI.THOMAS ANTONY.K.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 12674 OF 2007 S

Dated this the 6th June, 2007

JUDGMENT

H.L.DATTU, C.J.

In this petition, petitioner seeks the following reliefs. They are as under:

> "i) issue a writ of mandamus or such other appropriate writ, order or direction directing the respondents not to approve the amended alignment of N.H.17 starting from north of Valapattanam bridge to Puzhathi vayal through Chekkum Thandankulam;
>
> ii) issue a writ of mandamus or other appropriate writ, order or direction directing the 1st and 2nd respondents to consider and pass appropriate orders on Exhibit P2 before finalizing any proposal."

2. Even before the project could be finalized for the purpose of alignment of N.H.17 starting from north of Valapattanam bridge to Puzhathi vayal through Chekkum Thandankulam, the petitioner has approached this Court.

3. In our view, the petition filed by the petitioner is premature. Respondents have not yet finalized the alignment of N.H.17.

4. Petitioner in this writ petition has not come out with proper facts and figures even to suggest that respondents are going to make alignment of N.H.17 detrimental to the interest of the residence of that particular village. Without proper material available we will not be in a position to grant the reliefs sought for by the petitioner. Accordingly, the petition requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/